

IC 4-35-12

Chapter 12. Gambling Games Temporarily Conducted by a Trustee

IC 4-35-12-1

Application of chapter

Sec. 1. This chapter applies only to a trustee acting under the authority of:

- (1) a resolution adopted by the commission authorizing the trustee to conduct gambling games under this chapter; and
- (2) either of the following:
 - (A) A written power of attorney approved by the commission under IC 4-35-5-9.
 - (B) An appointment by the commission under IC 4-35-4-14.

As added by P.L.142-2009, SEC.28.

IC 4-35-12-2

Exercise of power delegated by power of attorney prohibited unless authorized by the commission

Sec. 2. A person may not exercise any powers delegated under a power of attorney submitted under IC 4-35-5-9 unless the commission adopts a resolution under section 3 of this chapter.

As added by P.L.142-2009, SEC.28.

IC 4-35-12-3

Resolution authorizing a trustee to conduct gambling games at a racetrack

Sec. 3. The commission may adopt a resolution authorizing a trustee to temporarily conduct gambling games at a racetrack if any of the following occur with respect to that particular racetrack:

- (1) The commission revokes the owner's permit or gambling game license.
- (2) The commission declines to renew the owner's permit or gambling game license.
- (3) A proposed transferee is denied a permit under IC 4-31 or a gambling game license under this article when attempting to purchase the racetrack and obtain a permit, but the person who attempted to sell the racetrack is unable or unwilling to retain ownership or control of the racetrack.
- (4) A permit holder agrees in writing to relinquish control of the racetrack to a trustee as approved by the commission.

As added by P.L.142-2009, SEC.28.

IC 4-35-12-4

Effective date of power of attorney

Sec. 4. A power of attorney designating a trustee to conduct gambling games at a racetrack is effective on the date designated by the commission in a resolution authorizing the trustee to conduct gambling games under this chapter. The power of attorney remains in effect until the date the trusteeship established by the operation of

the power of attorney is terminated by resolution of the commission.
As added by P.L.142-2009, SEC.28.

IC 4-35-12-5

General power of attorney law applies

Sec. 5. (a) IC 30-5 applies to a trustee exercising powers under this chapter.

(b) For purposes of IC 30-5, a trustee is an attorney in fact.

As added by P.L.142-2009, SEC.28.

IC 4-35-12-6

Trustee requirements

Sec. 6. A trustee who conducts gambling games at a racetrack:

(1) must:

(A) be eligible to receive an occupational license under IC 4-35-6.5; and

(B) satisfy the requirements of any rule adopted by the commission under IC 4-35-6.5-4;

(2) must conduct the gambling games within the same standards for character, reputation, and financial integrity that are imposed upon a permit holder by this article;

(3) must submit to the commission any information requested by the commission; and

(4) is charged with all the duties imposed upon a permit holder under this article.

As added by P.L.142-2009, SEC.28.

IC 4-35-12-7

Trustee's duties

Sec. 7. (a) A trustee acting under the authority of this chapter must fulfill the trustee's duties as a fiduciary for the owner of the racetrack. In addition, the trustee shall consider the effect of the trustee's actions upon:

(1) the amount of taxes and fees remitted by the trustee under this article;

(2) the racetrack's surrounding community;

(3) the racetrack's employees; and

(4) the creditors of the owner of the racetrack.

(b) In balancing the interests described in subsection (a), a trustee shall conduct gambling games at the racetrack in a manner that enhances the credibility and integrity of gambling games in Indiana while minimizing disruptions to tax revenues, fee remissions, employment, and credit obligations.

As added by P.L.142-2009, SEC.28.

IC 4-35-12-8

Duty of racetrack owner to sell a racetrack at which a trustee conducts gambling games

Sec. 8. (a) A person who directly or indirectly owns a racetrack that is the subject of a resolution described in section 3 of this

chapter has one hundred eighty (180) days after the date on which the commission adopts the resolution to sell the racetrack (and its related properties described in section 9 of this chapter) to another person that:

- (1) satisfies the requirements of IC 4-31 for obtaining a permit and this article for obtaining a gambling game license; and
- (2) is approved by the commission.

(b) If the person is unable to sell the racetrack (and its related properties described in section 9 of this chapter) in the time required by subsection (a), the trustee may take any action necessary to sell the properties to another person that:

- (1) satisfies the requirements of IC 4-31 for obtaining a permit and this article for obtaining a gambling game license; and
- (2) is approved by the commission.

As added by P.L.142-2009, SEC.28.

IC 4-35-12-9

Operation of related properties

Sec. 9. A trustee acting under the authority of this chapter may conduct the operations of any hotel, restaurant, golf course, or other amenity related to the racetrack's slot machine facility.

As added by P.L.142-2009, SEC.28.

IC 4-35-12-10

Trustee compensation

Sec. 10. A trustee is entitled to reasonable compensation for carrying out the duties imposed upon the trustee under this chapter. The trustee's compensation must be:

- (1) approved by the commission; and
- (2) paid by the owner of the racetrack that is the subject of a resolution described in section 3 of this chapter.

As added by P.L.142-2009, SEC.28.

IC 4-35-12-11

Liability insurance

Sec. 11. A permit holder shall purchase liability insurance, in an amount determined by the commission, to protect the trustee appointed to conduct gambling games on behalf of the permit holder from liability for any act or omission by the trustee occurring within the scope of the trustee's duties. The insurance coverage required by this section must apply to the entire period of the trusteeship.

As added by P.L.142-2009, SEC.28.

IC 4-35-12-12

Power to revoke, modify, or amend a resolution authorizing a trustee to conduct gambling games at a racetrack

Sec. 12. (a) Except as provided in subsection (b), the commission may revoke, modify, or amend a resolution authorizing a trustee to conduct gambling games under this chapter upon a showing of good cause after a public meeting. A public meeting held under this

subsection may be conducted by the commission or the executive director.

(b) In an emergency that requires immediate action to protect the credibility and integrity of gambling games authorized by this article, the commission may, without holding a hearing, take the following actions concerning a trustee whose actions have created the emergency:

(1) Revoke the resolution authorizing the trustee to conduct gambling games under this chapter.

(2) Remove the trustee from the control of the racetrack subject to the revoked resolution.

As added by P.L.142-2009, SEC.28.